IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1117 OF 2002

Shri. G. Kannan ...Petitioner

V/s.

Mukesh Sharma & Others ...Respondents

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None for the petitioner

Mr. I.S. Thakur, A.P.P. for the State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATE : 19TH AUGUST, 2004

P.C..

1. A criminal case No. 200/2000 has been filed against the petitioner (original accused No.2). The said case is pending before the learned J.M.F.C. Court No.3, Pune. The said case was under section 403, 405, 406 r.w. 34 of I.P.C. In the said case the learned Magistrate issued process against the petitioner and other accused persons. The petitioner preferred an application for recalling of process and for discharge before the learned Magistrate which came to be rejected by order dated 20.6.2002. The said order has been challenged in the present writ petition.

2. The Constitution Bench of the Supreme Court in the case of **Thansingh Nathmal and others Vs.**

Superintendent of Taxes and others reported in AIR 1964 SC 1419, held that when there is an alternate efficacious remedy a writ petition should not be entertained. The petitioner has an alternate efficacious remedy of preferring revision application before the concerned Sessions Court against the order passed by the learned Magistrate, hence, I am not inclined to entertain the present writ petition. It would be open to the petitioner to pursue his remedy before the Sessions Court.

3. Writ petition is disposed of.